

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 1, 2005. At the time of the Final Office Action, Claims 1-27 were pending in this Application. Claims 1-27 were rejected. Claims 1, 3, 5, 7-13, 15, 17, 20-23 and 27 have been amended to further define various features of Applicant's invention. Claims 2, 4, 14, 21 and 24 have been cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1, 3-5, 7-11, 13-18, and 20-21 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,304,895 issued to Walter J. Schneider et al. ("Schneider") and U.S. Patent No. 5,649,308 issued to Scott Andrews ("Andrews"). Applicant respectfully traverses and submits the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Schneider and Andrews cannot anticipate amended Claims 1 and 13, because neither Schneider nor Andrews teach, suggest or disclose all of the elements recited by Claims 1 and 13 as amended. For example, Schneider and Andrews fail to teach, disclose or suggest an apparatus using wireless technology as defined in amended Claim 1 or a system for remotely managing at least one computing component using wireless technology as defined in amended Claim 13. For example, amended Claim 1 calls for various features of Applicant's invention such as, but not limited to, "at least one processor operably coupled to a first transceiver and a LAN transceiver...at least one environmental sensor...at least one program

of instructions....” Applicant requests withdrawal of all rejections and allowance of Claim 1 as amended.

Claims 3 and 5-12 are dependent directly or indirectly from amended Claim 1. Since Claim 1 as amended is now deemed allowable, Claims 3 and 5-12 are allowable.

Claim 3 as amended also calls for various features of Applicant’s invention which are neither shown nor taught in Schneider or Andrews including, but not limited to, “the LAN transceiver operable to communicate with at least one other intelligent management and control transceiver.”

Claim 5 calls for various features of Applicant’s invention including, but not limited to, “a first power supply and a back-up power supply....”

Claim 7 as amended further calls for various features of Applicant’s invention including, but not limited to, “the intelligent management and control transceiver operable to communicate computing component status to a remote device.” Applicant respectfully submits that neither Schneider nor Andrews show or teach an apparatus as defined in amended Claim 1 in combination with an intelligent management and control transceiver communicating to a remote device as defined in amended Claim 7.

Claim 9 further calls for various features of Applicant’s invention including, but not limited to, “the intelligent management and control transceiver integrated onto a computing component expansion card.”

Applicant respectfully requests withdrawal of all rejections and allowance of Claims 3 and 5-12 as amended.

Claim 13 as amended calls for various features of Applicant’s invention including, but not limited to, an intelligent transceiver, a LAN transceiver and a local agent storable at the least one computing component. Applicant respectfully submits that neither Schneider nor Andrews show or teach the various features of Applicant’s invention as defined in amended Claim 13. Applicant requests withdrawal of all rejections and allowance of Claim 13 as amended.

Claims 15-22 are dependent directly or indirectly from amended Claim 13. Since Claim 13 as amended is now deemed allowable, Claims 15-22 are allowable.

Rejections under 35 U.S.C. §103

Claims 2, 6, 12, 19, and 22-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schneider and Andrews in view of U.S. Patent 6,714,977 issued to John J. Fowler et al. ("Fowler"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Claims 6 and 12 are dependent from amended Claim 1. Since Claim 1 as amended is now deemed allowable, Claims 6 and 12 are allowable.

Claims 19 and 22 are dependent from amended Claim 13. Since Claim 13 as amended is now deemed allowable, Claims 19 and 22 as amended are allowable.

Applicant's Claim 23, as amended, calls for various features of Applicant's invention including, but not limited to, at least one environmental sensor, a power supply and a back-up power supply. Claim 23 as amended also calls for a program of instructions which perform various functions including, but not limited to, "...further operable to effect the web site generated management and control instructions." Applicant respectfully submits that neither Schneider nor Fowler show or teach the various features of Applicant's invention as defined in amended Claim 23. Applicant requests withdrawal of all rejections and allowance of Claim 23 as amended.

Claims 25, 26 and 27 are dependent from Claim 23.

Claims 25 and 26 further define various features of the program of instructions which are neither shown nor taught by Schneider or Fowler.

Claim 27 further calls for various features of Applicant's invention integrated onto a computing component expansion card.

Applicant requests withdrawal of all rejections and allowance of Claims 25, 26 and 27 as amended.

Information Disclosure Statement

Applicant would like to bring to the Examiner's attention that the Examiner made no indication that Reference "A" submitted with Information Disclosure Statement and PTO Form 1449 filed on September 25, 2001, had been considered in the Office Action mailed September 27, 2004. Applicant respectfully requests confirmation of the consideration of Reference "A". Applicant attaches a copy of the PTO Form 1449 that was attached to the Office Action mailed September 27, 2004, and respectfully requests that the Examiner place his initials next to Reference "A" if citation is to be considered or draw a line through the citation if the citation is not to be considered.

Applicant also encloses a new Information Disclosure Statement and PTO Form 1449 and a copy of the reference, for the Examiner's review and consideration. Applicant believes there are no fees due since we are filing a Request for Continued Examination (RCE.) However, if there are fees due, Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Request For Continued Examination

Applicant respectfully submits herewith a Request for Continued Examination (RCE) Transmittal, and a check in the amount of \$790.00 for the required filing fee. Applicant believes there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

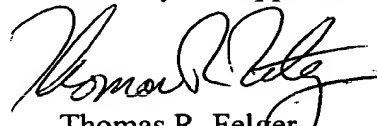
CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of Claims 1, 3-13, 15-20, 22, 23 and 25-27 as amended.

Applicant believes there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2599.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicant


Thomas R. Felger
Reg. No. 28,842

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.

CUSTOMER ACCOUNT NO. **31625**
512.322.2599
512.322.8383 (fax)

Date: 17 AUG 2005

- Enclosures:
1. Information Disclosure Statement and PTO-1449 Form;
 2. Copy of PTO-1449 Form filed with IDS on 9/27/01 for Examiner to initial reference "A"; and
 3. Request for Continued Examination (RCE) and check in the amount of \$790.00.